

IN THE UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

IN RE:)	Case No. 18-66766
)	
BEAUTIFUL BROWS LLC,)	Chapter 11
)	
Debtor.)	

**TRUSTEE'S APPLICATION FOR AUTHORITY TO EMPLOY
JASON L. PETTIE, P.C. AS SPECIAL COUNSEL**

NOW COMES the appointed Chapter 11 Trustee S. Gregory Hays (the "Trustee") does hereby submit this application for authority to Employ Jason L. Pettie, P.C. as special counsel (the "Application") and in support thereof respectfully shows the Court as follows.

1. This Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334. This is a core proceeding pursuant to § 28 U.S.C. § 157(b). Venue of the Debtor's case in this district is proper pursuant to 28 U.S.C. §§ 1408 and 1409. The statutory predicates for the relief requested herein are sections 105 and 327(e) of the Bankruptcy Code.

2. This Application is supported by the Verified Statement of Jason L. Pettie in Support of this Application for Authority to Employ Jason L. Pettie, P.C. as Special Counsel.

3. By this Application, the Trustee requests entry of an Order authorizing the employment of Jason L. Pettie, P.C. ("Special Counsel")

4. On October 26, 2019, the Court entered an Order approving the employment of Jason L. Pettie, P.C. as attorney for the Debtor in this case [Doc No. 30]. On November 16, the Court entered a consent order appointing the appointment of Trustee [Doc No. 43] (the "Appointment Order") for the purpose of carrying out certain specific duties and powers as set forth in the Appointment Order.

5. Since the entry of the Appointment Order, Trustee has worked to limit the Estate's administrative expenses. The Trustee is not an attorney and decided not to employ counsel due to

limited funds of the estate, however, Trustee desires to employ the Special Counsel to assist with certain limited matters which require an attorney. Special Counsel does not believe that his work as attorney for the Debtor and then as special counsel for the Trustee poses a conflict due to the limited nature of Special Counsel's proposed employment.

6. Specifically, Trustee seeks to employ Special Counsel for the following purposes:

- a) preparation of pleadings regarding Trustee's sale of property of the estate;
- b) preparation of pleadings regarding the estate's assumption and/or assignment of executory contracts;
- c) Special Counsel will advise and represent Trustee in litigation, including preparation of demand letters, motions, pleading, discovery papers, subpoenas, complaints and all other papers reasonably necessary to pursue any litigation. Such litigation includes potential avoidance actions under 11 U.S.C. §§ 547 and 548 against those who received payments from the Debtor's profit sharing agreements and avoidance actions against creditors. Special Counsel will not be involved in any potential litigation against the Debtor.

7. Special Counsel represents no interest adverse to the Trustee or the estate in matters upon which he is to be engaged for the Trustee and his employment would be in the best interest of the estate. Special Counsel is already familiar with this bankruptcy case, and the trouble, expense and delay inherent in acquainting and counseling other attorneys regarding operative facts in this case may be avoided. Additionally, the estate has very limited funds and Special Counsel's proposed role will minimize the estate's administrative expenses.

8. Special Counsel is composed of and employs an attorney duly admitted to practice in the United States District Court for the Northern District of Georgia.

9. Special Counsel would be employed at its customary hourly rate in effect on the date the services are rendered on behalf of the estate, currently \$360 per hour attorney Jason L. Pettie.

10. In order to expedite the administration of the bankruptcy estate, Trustee has already requested that Special Counsel perform certain professional services for the estate which have been or may be rendered prior to the Court's entry of an Order upon this Application, such as the preparation of the pleadings regarding the sale of assets.

11. Special Counsel agrees to accept compensation for its services and reimbursement of expenses as may be awarded by this Court upon proper application, after notice and hearing or pursuant to such other interim procedure as may be approved and authorized by this Court.

WHEREFORE, the Debtor respectfully prays for entry of an order (i) authorizing the employment of Jason L. Pettie, P.C. as special counsel herein to perform the necessary legal services with regard to this case, and (ii) for such other and further relief as the Court may deem just and proper.

Respectfully submitted this 13th day of May, 2019.

By: /s/ S. Gregory Hays *
S. Gregory Hays, Trustee
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Atlanta, Georgia 30305
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Exhibit "A"

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**VERIFIED STATEMENT OF JASON L. PETTIE
IN SUPPORT OF APPLICATION FOR
AUTHORITY TO EMPLOY JASON L. PETTIE, P.C. AS SPECIAL COUNSEL**

The undersigned does hereby make solemn oath under penalty of perjury that the statements contained in the foregoing Application are true according to the best of his knowledge and belief.

Jason L. Pettie, P.C. filed this bankruptcy case on behalf of the Debtor and has served as attorney for the Debtor as approved by the Court's order entered October 26, 2019. Jason L. Pettie, P.C. has never represented the Debtor's principals. They are represented by another attorney in their own bankruptcy case. After diligent inquiry, it appears that other than representing the Debtor-in-Possession, there are no other connections between Jason L. Pettie, P.C. and Debtor, the creditors, or other parties in interest of which is aware, and their respective attorneys and accountants, the United States Trustee, or any person employed in the Office of the United States Trustee, other than involvement in other, unrelated cases in which the foregoing serves as counsel and/or trustee.

/s/ Jason L. Pettie

Jason L. Pettie
Georgia Bar No. 574783

CERTIFICATE OF SERVICE

I, the undersigned attorney, do hereby certify that I have served a copy of the foregoing pleading on those parties listed below by mailing a copy thereof, via first class U.S. Mail in a properly addressed envelope with sufficient postage affixed, to the parties listed below:

Office of the U.S. Trustee
Room 362, Russell Federal Bldg
75 Ted Turner Dr, SW
Atlanta, Georgia 30303

/s/ Jason L. Pettie

Jason L. Pettie